IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 5381 OF 2007

Tejwant Singh Osahan ....Petitioner.
V/s
Mrs.Meena Jolly Massey & Ors.. ....Respondents.

Ms.Sangita A. Muste i/by Mr.V.J.Hegde, Adv. For the petitioner.

Mr.R.R.Mishra, Adv. For respondent Nos. 1, 7 & 9.

CORAM: A.P.DESHPANDE, J.
24/7/07

PC:

By the present petition the petitioner takes exception to the order passed by the City Civil Court rejecting the notice of motion No.431/07. The present petitioner was served with suit summons on 25.4.06. On 28.9.06 no written statement order came to be passed. The petitioner took out notice of motion for setting aside no written statement order on 7.2.07 and therein sought permission to file written statement on record. The motion was opposed. The only ground stated in support of notice of motion is in para 4 of affidavit in support of the notice of motion i.e. Page 42 of the petition. It is stated that the petitioner could not get in touch with the advocate because of personal difficulties and exigencies of circumstances faced by him during June 2006 till middle of January, 2007. It further says that the petitioner was undergoing a bad phase in the business due to which he could not attend above matter regularly

and could not instruct his advocate for preparation of written statement. The Court below has held that the reason spelt out is not a good justification for not filing written statement in time. The averments made in para 4 of the affidavit in support of notice of motion are vague and does not provide a ground to condone the delay in filing written statement after expiry of 90 days. Perused the order passed by the trial Court. No interference is called for. Hence Writ Petition is summarily dismissed.

24.7.07